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7 Receiver of LYDIA CAPITAL, LLC

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13 Attorneys for Plaintiff  
14 THE LINCOLN NATIONAL LIFE INSURANCE COMPANY

15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

17 THE LINCOLN NATIONAL LIFE INSURANCE  
18 COMPANY,

19 Plaintiff,

20 v.

21 H. THOMAS MORAN, II, Court-Appointed  
Receiver of LYDIA CAPITAL, LLC,

22 Defendant.

Case No. 08-CV-00023-IEG-NLS

JOINT MOTION OF PLAINTIFF THE  
LINCOLN NATIONAL LIFE  
INSURANCE COMPANY AND  
DEFENDANT H. THOMAS MORAN,  
II FOR EXTENSION OF TIME TO  
ANSWER OR OTHERWISE PLEAD

23  
24 Plaintiff The Lincoln National Life Insurance Company ("LNLIC") and Defendant H.  
25 Thomas Moran, II ("Moran"), in accordance with Local Rule 12.1, jointly move the Court to enter an  
26 Order extending Moran's deadline for filing his Answer or other responsive pleading to LNLIC's  
27 Complaint, to March 31, 2008. In support of this joint motion, the parties state as follows:  
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- 1           1.       LNLIC's Complaint was filed January 3, 2008 and subsequently served on Moran.
- 2           2.       Without the requested extension of time, Moran's Answer to LNLIC's Complaint is
- 3 due March 18, 2008.
- 4           3.       Moran has made no previous request for an extension of time in this case.
- 5           4.       LNLIC consents to the requested extension of time.
- 6           5.       The requested extension of time will not impact other scheduled dates.
- 7           6.       Moran seeks this extension to allow sufficient opportunity to fully investigate the
- 8 extensive factual and legal allegations asserted in LNLIC's Complaint and to prepare his Answer or
- 9 responsive pleading to LNLIC's Complaint. Additionally, the parties are in discussions regarding
- 10 certain issues that impact Moran's response to the Complaint, including whether Moran will need to
- 11 file a Motion to Dismiss.
- 12

13           WHEREFORE, for good cause shown, Plaintiff The Lincoln National Life Insurance

14 Company and Defendant H. Thomas Moran, II, request the Court to enter an Order extending

15 Moran's time to answer or otherwise plead to March 31, 2008.

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17 Dated:     March 18, 2008

**SANDLER, LASRY, LAUBE, BYER  
& VALDEZ LLP**

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20 By:       s/Richard M. Valdez  
Richard M. Valdez  
Attorneys for Defendant  
H. Thomas Moran, II, Court-Appointed  
Receiver of Lydia Capital, LLC

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23 Dated:     March 18, 2008

**DRINKER BIDDLE & REATH LLP**

24

25 By:       s/Jason P. Gosselin  
Jason P. Gosselin  
Attorneys for Plaintiff  
The Lincoln National Life Insurance  
Company

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<b>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA</b>		<b>COURT USE ONLY</b>
TITLE OF CASE (ABBREVIATED) <b>THE LINCOLN NATIONAL LIFE INSURANCE COMPANY v. H. THOMAS MORAN, II, Court-Appointed Receiver of LYDIA CAPITAL, LLC</b>		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): <b>Richard M. Valdez, Bar No. 156957 SANDLER, LASRY, LAUBE, BYER &amp; VALDEZ LLP 402 West Broadway, Suite 1700 San Diego, CA 92101-3542</b>		TELEPHONE NO.: <b>Tel: (619) 235-5655 Fax: (619) 235-5648</b>
ATTORNEY FOR (NAME): <b>Defendant</b>		
ATTORNEYS FOR: <b>H. THOMAS MORAN, II, Court-Appointed Receiver of LYDIA CAPITAL, LLC</b>	HEARING DATE - TIME	CASE NUMBER: <b>08-CV-00023-IEG-NLS</b>

**PROOF OF SERVICE**

I am a resident of the state of California over the age of eighteen years, and not a party to the within action. My business address is SANDLER, LASRY, LAUBE, BYER & VALDEZ LLP, 402 West Broadway, Suite 1700, San Diego, CA 92101-3542. On March 18, 2008, I served the within documents:

1. JOINT MOTION OF PLAINTIFF THE LINCOLN NATIONAL LIFE INSURANCE COMPANY AND DEFENDANT H. THOMAS MORAN, II FOR THE EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD
2. ORDER GRANTING JOINT MOTION OF PLAINTIFF THE LINCOLN NATIONAL LIFE INSURANCE COMPANY AND DEFENDANT H. THOMAS MORAN, II FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

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18<sup>th</sup> and Cherry Streets  
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*Attorneys for Plaintiff  
The Lincoln National Life Insurance Company*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on March 18, 2008, at San Diego, California.

- ☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose directions the service was made.

  
Marcella V. Brodersen